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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

The Applicant argues that Tanaka fails to disclose that the data request controller holds the transmission of a data request to the server when at least one communication or internal processing function is operating in the mobile communication device.

The Examiner respectfully disagrees. Tanaka discloses an automatic download scheduling routine wherein the routine is initiated and the data files stored (read as holds the transmission of the data request) in memory are read. The routine checks the time from the internal clock of the PDA to determine whether the routine has been started because it is time to download files according to the user defined schedule, or whether the routine has been started manually by a user (read as one communication function is operating). In the latter case the routine assumes that a user wishes to manual input or edit data either by adding or modifying or deleting files to be downloaded. If the routine determines that it has been initiated because a download is scheduled, then the routine progresses to a connection stage during which the routine uses the dial-up number to establish an Interact connection to the server through a wireless mobile phone to which the PDA is connected. In the event of failure to make a connection on the first attempt, three attempts in total are permitted. When a connection is made all the addresses due for a download are accessed in turn and updated information is downloaded to the PDA. (page 6, lines 22)

If the Applicant intends to differentiate between the "at least one communication function or internal processing function is operating" of the present application and the Tanaka reference, then such differences should be made explicit in the claims. As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.

Furthermore, the Applicant argues that Straub and Tanaka, taken together in combination, do not disclose or suggest such randomly selected image data or audio file.

The Examiner respectfully disagrees. As disclosed in the previous Final Office Action, Yeh discloses, as known in the art, a mobile communication system for receiving information by means of a mobile communication device through RF linkage, wherein a user requests information from the central computer mainframe. The central computer mainframe will randomly select information from the database and sent the information to the mobile communication device of the user. (abstract; figure 4, lines 35-49)

Therefore, it would have been obvious of one of ordinary skill in the art to incorporate the teachings of Yeh into the system of Straub and King to utilize the mobile communication device for receiving random information relating to a topic of the user's choice.

If the Applicant intends to differentiate between randomly selected an image data or audio file of the present application and the combinations of the Straub, Tanaka, and Yeh references, then such differences should be made explicit in the claims. As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.

/Bobbak Safaipour/

Examiner, Art Unit 2618

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618